

FILED

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

SEP 11 2007

Curves International, Inc.,

Plaintiff,

vs.

Linda S. Mosbarger,

Defendant

CLERK  
U. S. DISTRICT COURT  
MIDDLE DIST. OF ALA.

Case Action No. 2:07-cv-807-MHT

**AFFIDAVIT OF PAMELA H. ROY**

STATE OF ALABAMA            )  
                                          )  
COUNTY OF JEFFERSON        )

Before the undersigned Notary Public, in and for said county and state, personally appeared Pamela H. Roy, who, being duly sworn, deposes and says as follows:

1. My name is Pamela H. Roy. I have personal knowledge of the facts set forth herein. I am over the age of nineteen years, and I am competent to make this affidavit.

2. I work at the law firm of Johnston Barton Proctor & Rose LLP as a special process server.

3. On September 11, 2007, I served defendant Linda S. Mosbarger with the Summons and Complaint in the case styled *Curves International, Inc. v. Linda S. Mosbarger* filed on September 7, 2007, in the United States District Court for the Middle District of Alabama, Case No. 2:07-CV-807-MHT.

4. I arrived at Ms. Mosbarger's place of employment, Jordan's Gym – located at 770 Shields Road, Deatsville, Alabama 36022 – at approximately 9:20 A.M. on September 11, 2007.

5. I exited my car, approached Ms. Morbarger, and orally confirmed that she was in fact Linda S. Mosbarger. I then handed Ms. Mosbarger an envelope containing the Summons and Complaint, as well as copies of Plaintiff's Motion for Preliminary Injunction, Memorandum in Support of Motion for Preliminary Injunction, and Appendix of Cases, and returned to my car.

6. With the envelope described in paragraph 5 above in her hand, Ms. Mosbarger stated that she would not accept the package.

7. Ms. Mosbarger placed the envelope described in paragraph 5 above on the hood of my car and began to walk away. I removed the envelope from the hood of my car and placed it on the ground.

8. Ms. Mosbarger picked the envelope up and threw it on to the roof of my car. I removed the envelope from the roof of my car and again placed it on the ground. I then got in my car to leave.

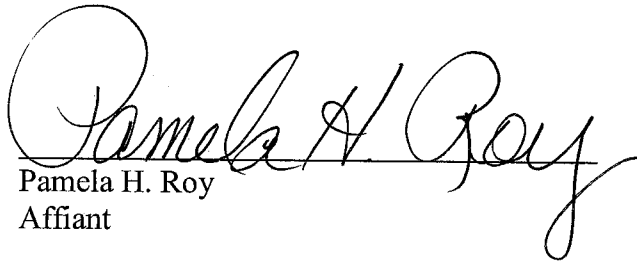
9. Ms. Mosbarger, using her cell phone, hit my windshield and driver's side window, and kicked my car and tires. Ms. Mosbarger also yelled at me that she intended to call the police.

10. As I began to drive away, Ms. Mosbarger threw the envelope described in paragraph 5 above onto the hood of my car.

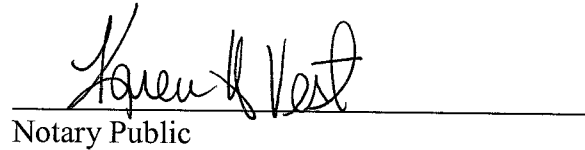
11. Several hundred yards down the road, the envelope that Ms. Mosbarger had thrown on to the hood of my car fell off. I stopped and picked the envelope up. I did not return to Ms. Mosbarger's place of employment as I did not want to become engaged in an altercation with Ms. Mosbarger.

Further affiant sayeth not.

**(Signature to follow)**

  
Pamela H. Roy  
Affiant

Sworn to and subscribed before me, this 11<sup>th</sup> day of September 2007.

  
Notary Public

My Commission Expires: December 10, 2008